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MITRIONE/FLY KIDNAPPINGS

1. The United States always has deep concern for the safety of our personnel abroad. We have taken and are continuing to take steps to provide greater protection for our personnel overseas and to make it more difficult for kidnapping to take place. The Latin American host governments are as concerned as we, and they have the direct responsibility for protection of foreign diplomatic and consular personnel.

2. If, despite our combined efforts, a US official is kidnapped, we determine our actions in light of all the pertinent circumstances at the time. We expect host governments to do all that is practicable to insure the safe return of our personnel. The United States does not, however, exert pressure upon the other government to meet demands that are considered extreme; to do otherwise would only serve to encourage terrorist groups to kidnap other Americans.

3. With respect to Uruguay, I assure you that everything humanly possible was done for Mr. Mitrione. Throughout the ten days after his kidnapping, our Ambassador to Uruguay, Charles W. Adair, Jr., was in continuous contact with Uruguayan officials responsible for the safety of foreign representatives. On instructions from President Nixon, Ambassador Adair urged the Government of Uruguay to consider and pursue every feasible action to facilitate Mr. Mitrione's release. President Pacheco assured President Nixon that he was determined to use all available means to bring about Mr. Mitrione's safe return. The Government of Uruguay sought through a variety of measures to rescue Mr. Mitrione and to dissuade his captors from carrying out their threats. To our sorrow, these measures did not prevent his murder.

4. We are assisting the Uruguayan Government in every way possible to secure the safe release of Dr. Claude Fly, another American who was kidnapped and is being held by the terrorists. If there is little news about him in the local press, it is because our efforts are concentrated in Uruguay where they may have the desired impact.

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(NEW) 5. I assure you that the US Government is doing all that is practicable at this point to obtain the release of Dr. Fly and continues to consider new alternatives and plans whenever they appear feasible. We have been in touch with appropriate members of the Uruguayan Government and they have taken additional measures to protect American citizens in Uruguay. President Nixon, through our Ambassador, and through direct personal correspondence with President Pacheco, has stressed to the Uruguayan Government that every feasible be considered and pursued to facilitate the safe return of the kidnapped victim to his family. President Pacheco has replied that he is prepared to use all means which he considers feasible to bring about Dr. Fly's safe return.

(NEW) 6. It should be kept in mind that Uruguay has long been a leader in Latin America with respect to democracy and its concomitant freedoms. Parties and factions opposed to the present Government are fully represented in the legislature and the Executive and Judicial bodies operate independently and freely. In this environment, we have to take special care not to induce repercussions which could deprive the Uruguayan people of their collective freedom, or serve the cause of violence, or endanger our longer-term relations with this constitutional democracy. We are, of course, disappointed that Dr. Fly has not been released by the kidnappers, whose senseless act cannot be justified. We, therefore, are maintaining our efforts aimed at securing his release and will not slacken. We have foreclosed no reasonable option. We will use those means at our disposal that can achieve Dr. Fly's freedom without debilitating the Uruguayan constitutional system, which provides the framework for peaceful change and reform through democratic processes, which those who engage in violence are trying to upset.

7. The Government of Uruguay is offering one million Uruguayan pesos for information leading to the arrest and conviction of terrorists involved in the Mitrione kidnapping and murder as well as for those involved in the kidnapping of Dr. Claude Fly, another American now held by the terrorists. The offer has been publicized and is well known to the people of Uruguay. Our Ambassador has advised us that citizen assistance to the police has been widespread, with hundreds of telephone and letter leads having been given Uruguayan authorities since the murder of Mr. Mitrione. Several prominent Tupamaro terrorist leaders have been picked up, and the reward offer no doubt contributed to this cooperation.

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8. Although reprisals may have some emotional appeal, execution of prisoners would not be legally possible as the Uruguayan constitution proscribes the death penalty. The Government of Uruguay is using every means at its disposal to capture the kidnappers and bring them to justice. Apart from legal considerations are the probable results of any such executions. An increase in the level of violence could present an even graver threat to other innocent people, American and Uruguayan.

9. Imposition of indemnities to be paid by the host government to the families of victims of terrorism would not be appropriate in this case. The Government of Uruguay has done and is doing everything within its capabilities to cope with the terrorism and will continue to press them with all feasible means to do all they can to assure the safe return of the remaining American held by kidnappers, Dr. Claude Fly. President Pacheco went so far as to seek and obtain authority from the Uruguayan Congress to suspend constitutional guarantees from August 10 to August 30 in order to permit Uruguayan police and Armed Forces to press more effectively their campaign against the terrorists.

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